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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/539,014 06/16/2005		06/16/2005	David Yen-Lung Chung	2003B133D	7413	
23455	7590	12/14/2006		EXAMINER		
		EMICAL COMPA	RABAGO, ROBERTO			
5200 BAYV P.O. BOX 2		'E	ART UNIT	PAPER NUMBER		
BAYTOWN, TX 77522-2149			1713			
				DATE MAILED: 12/14/2006	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHIGHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of time may be availate under the previous of 5 OFF 1.136(L), in 5	•	Application No.	Applicant(s)				
Roberto Rabago  The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.	055 4-4'- 0	10/539,014	CHUNG ET AL.				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Electronics of time may be waited under the provision of 3 or En 1306, in no event, howers, may a reply be timely field the ISW (6) MORTH'S from the mailing date of this communication.  Falluts to reply within the set or extracted period for reply will, by statils, cause the application to become ARAMDONE (5) SU S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication. Palluts to reply will the statils controlled the supplied of the communication and the communication (5) filed on 27 September 2008.  Status  1) Separative to extract the adjustment. See 37 CFR 1.74(b).  This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.85 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) Mone of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in this National Stage application from the International Burea	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
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## **DETAILED ACTION**

1. The supplemental reply filed on 12/8/2006 was not entered because supplemental replies are not entered as a matter of right except as provided in 37 CFR 1.111(a)(2)(ii). The response does not clearly put the application in condition for allowance because substantial new consideration of the amended claims, amended specification, declaration under 37 CFR 1.132, and arguments would be required.

## Claim Rejections - 35 USC § 112

2. Claims 1-85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the reasons set forth in item 2 of the Office action mailed 6/28/2006.

Applicant's arguments filed 9/27/2006 have been fully considered but they are not persuasive. Regarding the use of "least square best fit," there is nothing on the record indicating that this particular algorithm is to be used to determine "m". Furthermore, applicants' response appears to be relying on a different calculation method for the determination of "m" from that taught in the specification as filed, and the two methods give substantially different results. For example, in Examples 149-154, the calculation of m by direct solution gives a substantial spread values, depending on conditions, whereas by best fit the results of numerous samples are reduced to a single value. Accordingly, applicants' response has served to add further ambiguity to the

Art Unit: 1713

manner in which m is to be calculated for the purpose of determining the scope of the claims.

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rábago whose telephone number is (571) 272-1109. The examiner can normally be reached on Monday - Friday from 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roberto Rábago Primary Examiner Art Unit 1713

RR December 11, 2006